

**CITY OF BROKEN ARROW**  
**MINUTES OF**  
**BOARD OF ADJUSTMENT MEETING**  
**April 12, 2004**

The Board of Adjustment Agenda was posted at 11:00 a.m., April 8, 2004, on the City Hall Bulletin Board, 220 South First Street, Broken Arrow. The Broken Arrow Board of Adjustment met in a regular meeting in the City Council Chambers at City Hall on Monday, April 12, 2004, at 6:00 p.m.

Present: Jack Keeling, Chairman  
Archer Honea, Vice Chairman  
Ralph Crotchett, Member  
Tim Edmondson, Member

Absent: Rene' L. Ray, Member

Staff Present: Farhad K. Daroga, City Planner  
Brent Murphy, Assistant City Planner  
Joyce Snider, Administrative Assistant  
Hayden Downie, Assistant City Attorney

3. The Board considered the minutes of the November 11, 2004 Board of Adjustment meeting.

**Motion** by Archer Honea to approve the minutes of the Board of Adjustment meeting held November 11, 2003 as presented. The motion was seconded by Ralph Crotchett.

Yes: Edmondson, Crotchett, Honea, Keeling

No: None

**Motion approved.**

4. The Board considered BOA 637, a request for a variance to reduce the building line setback along Date Avenue, 419 W. College, (Southeast corner of College Street and Date Avenue) from 25 feet to 20 feet, John Metzger, (Applicant). Brent Murphy presented the background, saying a single-family structure was built in 1968 and except for the concrete slab, the house was burnt a year ago. He said the applicant would like to build a new house in the same location. He said at the time the house was built, it was located 16-feet from the right-of-way along Date Avenue. Since then, Date Avenue has been platted with a 60-foot right-of-way. The street is from 20 to 24 feet wide. The R-3 zoning district requires buildings to setback 25 feet from the property line.

Mr. Murphy said the applicant wishes to use part of the existing foundation and slab to construct a new structure. He wants to construct the house five feet further away from Date Avenue. However, at this location, the structure would be located approximately 21 feet away from the right-of-way line along Date Avenue.

The applicant has requested a variance to reduce the building line setback along Date Avenue from 25 feet to 20 feet. A drawing submitted by the applicant shows the new structure to be located 21 feet from Date Avenue. The one-foot difference between what is shown on the drawing and what is being requested was requested by the applicant to accommodate any survey errors that may occur. The new structure is being expanded to the east, but will meet the five-foot setback requirement along the east boundary.

4. continued

Jack Keeling asked if Staff is comfortable using the measurements submitted by the applicant. Brent Murphy said they are.

John Metzger, 409 West College Street, Broken Arrow said this property has been surveyed and the pins set. There were no protestants.

Tim Edmondson asked if the building lines of the other houses on the block are further or closer to the street. Mr. Metzger said they will be closer than the house being built. Archer Honea asked Mr. Metzger why he hadn't requested a variance to rebuild the house where the existing slab is located. Mr. Metzger said he wanted to be closer to the City's requirements. He said the garage will be on the south side on Date. Discussion followed.

**Motion** by Archer Honea to Approve BOA 637 as requested (as listed in the background information). The motion was seconded by Ralph Crotchett.

Yes: Edmondson, Crotchett, Honea, Keeling

No: None

**Motion approved.**

5. The Commission considered BOA 639, request for a variance to waive the sight triangle requirement, Article VIII, Section 11 (Ordinance No. 1560), northeast corner of Main Street and Fort Worth Street, 407 South Main Street, Additive Systems, Inc. (Applicant). Brent Murphy presented the background, saying the applicant wishes to complete a fence at this corner. He said the property is zoned C-1 and there are no building setback requirement. He showed a plan of the proposed fence and said Staff does not believe that the four conditions necessary to grant a variance are present and have recommended denial of this request. Mr. Murphy outlined the amount of traffic at this location and related issues.

Tim Edmondson asked when the Zoning Ordinance was adopted and was informed by Staff that it was adopted on July 10, 1989. Jack Keeling asked if the fence meets the sight triangle where the existing wood fence ends and the chain link goes across or if it encroaches on it. Brent Murphy said he didn't know. Jack Keeling asked Staff to define the distances on a sight triangle. Brent Murphy explained that and discussion followed. Archer Honea asked when Additive Systems purchased the property, when the existing fence was constructed and when was the ordinance passed requiring the sight triangle.

Scott Eudey, attorney, 106 North Main Street, Broken Arrow, representing the applicant, said the building was purchased around 1989-90 to replace the existing building. Discussion followed. Tim Edmondson asked when the property was purchased and Mr. Eudey said he did not know. Tim Edmondson suggested continuing this matter until it was determined whether the site triangle requirement was in effect at the time the property was purchased. Archer Honea said he wasn't sure that the date of the purchase of the property was relevant to this issue. Farhad Daroga said State and City law is precise on the four conditions that the Board must consider, regardless of time of property ownership. He said the conditions for approval/hardship must apply to the land, regardless of ownership. Discussion followed.

5. continued

Farhad Daroga said the applicant's proposal is to consider allowing a smaller site triangle of approximately ten-feet. He said that since the City does not have a scaled drawing, they don't know where the ten-feet lays compared to the Zoning Code, as the two measurements are drawn from different starting points. He asked if the applicant had made a drawing to show where the ten-foot proposal would be drawn. Mr. Eudey said they had not. He requested that this matter be continued so a scaled drawing could be submitted.

Archer Honea asked if a chain link fence could be erected in the area in question and discussion followed regarding blocking the area by car parking, etc. Tim Edmondson said he was curious about stop sign locations and Farhad Daroga talked about the reasons for particular locations being chosen and said Staff would research to see where the standard locations are. Discussion followed regarding the involvement of railroads in the placement of stop signs.

**Motion** by Archer Honea to continue BOA 639 to the Board meeting of May 10, 2004. Brent Murphy said there may be members of the public in the audience who wish to speak to the Board regarding this matter. Mr. Honea withdrew his motion.

There were no protestants present. However, there were about five people present.

**Motion** by Archer Honea to continue BOA 639 to the Board meeting of May 10, 2004. The motion was seconded by Tim Edmondson.

Yes: Edmondson, Crotchett, Honea, Keeling

No: None

**Motion approved.**

**6. REMARKS, INQUIRIES AND COMMENTS BY BOARD MEMBERS AND STAFF (NO ACTION)**

Archer Honea asked if the Board needed to approve minutes of the Joint Meeting held on February 26, 2004 with the City Council and the Planning Commission. Farhad Daroga said it would be on the agenda of the next Board meeting.

**Motion** at 6:54 p.m. by Ralph Crotchett to adjourn. The motion was seconded by Tim Edmondson.

Yes: Edmondson, Crotchett, Honea Keeling

No: None

**Motion approved.**